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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,783	08/19/2003	Wen Ing Tseng	BHT-3117-154	3702

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TROXELL LAW OFFICE PLLC  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER
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TIBBITS, PIA FLORENCE

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/642,783

Applicant(s)

TSENG, WEN ING

Examiner

Pia F. Tibbits

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cell, the outer surface, one end, the other end, the terminal, the car battery, the car, etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example: a) "So if the power switch is turned off, the rechargeable battery 12 may not leak electricity so as to maintain its electricity as much as possible" is idiomatic and incorrect, i.e., a battery self discharges; b) "instant large current" needs to be defined; "universal cord" needs to be defined.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Krieger et al.** [hereinafter Krieger][6799993] in view of **Liao** [6774603].

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and contain grammatical and idiomatic errors.

The recitation "A cell body having a control circuit arranged in its interior, a rechargeable battery also positioned in its interior" is not clear, and was interpreted in light of the specification which describes "When the storage cell of the invention is to be used for charging, the plug of the power cord 20 is inserted in the power hole 14 of the cell body 10, and the socket 21 is inserted in a socket of a utility line. In case the storage cell is to be used as a power for an electric appliance, the proper one of the sockets 15 of the same voltage as that of the appliance is selected, and the plug 31 of the universal cord 30 is inserted in that socket 15, with the connector 32 of the same cord 30 connected with the proper one of the plugs 321 and inserted in a power hole of the appliance". For examination purposes, the application was considered to address as **intended limitations** a portable charger including a housing and a rechargeable battery cell.

Krieger discloses a portable charger 100 comprising a housing 102 and a rechargeable battery cell [see column 3, line 59] comprising an interior compartment 140, a control circuit 112, a power insert hole formed in an outer surface [see column 1, lines 31-33], a plurality of sockets formed in the outer surface of said cell body and connected with said control circuit for supplying power of different voltages

Art Unit: 2838

120 and 120b, and two electrodes 110a and 110b formed at the outer surface and connected with said control circuit for supplying DC current; a power cord having a power plug [see column 1, lines 31-33], at one end for connecting with power and the other end inserting in said power insert hole of said cell body for charging said rechargeable battery by means of said control circuit; at least a universal cord [see column 1, lines 26-28] having a plug at one end to insert in one of said sockets of said cell body, a connector at the other end, said connector provided with a plurality of different plugs, one of said connector plugs selected to connect with said connector so as to fit in a power hole of an electric appliance to be used; and a pair of jumper cables 204a and 204b respectively having a sockets at one end to connect with each said electrode of said cell body and a clamp at the other end for pinching a terminal of a car battery so as to jumpstart a car. Krieger does not disclose specifically a universal cord having a plug at one end to insert in one of said sockets of the charger, a connector at the other end, said connector provided with a plurality of different plugs, one of said connector plugs selected to connect with said connector so as to fit in a power hole of an electric appliance to be used. However, Krieger discloses DC appliances may be plugged into a DC outlet socket mounted on the casing of the charger [see column 1, lines 26-28].

Liao discloses a multi-function charger can be used to simultaneously charge a plurality of portable electronic devices and rechargeable battery, by comprising plural sockets [see fig.1; the abstract] or by having an output cord 15 that can also be connected to plugs or connectors 32 of various types. [see fig.10; column 4, lines 1-3]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Krieger's apparatus and include an output cord that can also be connected to plugs or connectors 32 of various types, as disclosed by Liao, in order to increase the charger functionality.

As to claim 3, Krieger clearly discloses the power plug of said power cord is a plug of a car cigarette lighter to insert in a car cigarette lighter in a car for using the electricity of the car battery [see column 1, lines 28-31].

Art Unit: 2838

As to claim 4, Krieger clearly discloses the power may be an AC current adapter/charger [see column 1, line 33].

As to claim 5, Krieger clearly discloses indicators 124 [see column 4, line 32].

As to claim 6, Krieger clearly discloses switch 116 [see fig.1].

As to claim 7, Krieger clearly discloses electrodes/leads 110a and 110b [see fig.1] located diametrically opposed to each other. With regard to having a separating wall, it is a well known design choice, and the courts have held that it is unpatentable because adding the separating wall would not have modified the operation of the device, see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Krieger**, as described above, in view of **Cargin, Jr. et al.** [hereinafter Cargin][6023147].

Krieger does not disclose the rechargeable battery is further connected with a large capacitor in order to permit said rechargeable battery produce instant large current in releasing electricity.

Cargin discloses a charged capacitor may provide short-term back-up power, while a rechargeable battery 36 may provide power when the stored charge of the capacitor is depleted. A rechargeable battery 36 may provide long-term back-up power [see column 14, lines 39-42]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Krieger's apparatus and include a capacitor providing short term back-up power, as disclosed by Cargin, in order to provide short term back-up power to the rechargeable battery.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is (571) 272-2086. If unavailable, contact the Supervisory Patent Examiner Mike Sherry whose telephone number is (571) 272-2084. The Technology Center Fax number is (703) 872-9306.

Art Unit: 2838

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFT

June 20, 2005

Pia Tibbits

Primary Patent Examiner

